

## The Textual Structure of the Jessica-Mirna Judicial Text: An Forensic Linguistic Approach

<sup>1</sup>Nidya Fitri, [nidya.fitri85@gmail.com](mailto:nidya.fitri85@gmail.com), STITNU Dharmasraya

<sup>2</sup>Ketut Artawa, [ketut\\_artawa@unud.ac.id](mailto:ketut_artawa@unud.ac.id), Udayana University,

<sup>3</sup>Made Sri Satyawati, [madestrisatyawati@yahoo.co.id](mailto:madestrisatyawati@yahoo.co.id), Udayana University,

<sup>4</sup>Sawirman, [drssawirman@gmail.com](mailto:drssawirman@gmail.com), Andalas University

\*Corresponding Author: [nidya.fitri85@gmail.com](mailto:nidya.fitri85@gmail.com)

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**Abstract**— This current study, in which the forensic linguistic approach and the theory of textual generic structure were applied, focuses on the judicial text in which Jessica was the defendant and Mirna was the victim. The judicial text, in which Jessica was the defendant and Mirna was the victim, is a dialogical conversation containing the textual procedure referring to structure. The textual structure of the judicial text, in which Jessica was the defendant and Mirna was the victim, is made up of three main phases; they are the textual structure of the opening, the textual structure of the content and the textual structure of the closing. Each phase is made up of sub-phases. The qualitative descriptive method was employed in the study. The data were collected through observation and recording, and were obtained from 17 audio-visual recordings, which were then transcribed into Indonesian. The findings of the study show that (1) the opening phase was made up of the criminal trial phase, the interrogation phase of the defendant's identity, the indictment reading phase by the general prosecutor ; (2) the content phase was made up of the question phase as to objection from the defendant (exception), the interrogation phase of the witnesses and expert, namely their (a) identities, (b) oath taking, and (c) the testimony of the witnesses and expert and the interrogation phase of the defendant; (3) the textual structure of the closing was made up of the indictment reading phase by the prosecutor, the verdict reading phase, and the trial closing phase. The finding of the study shows the representation of the textual structure as the textual procedural standard based on the judicial text used in the current study.

**Keywords:** textual structure, the judicial text in which Jessica was the defendant and Mirna was the victim

### 1. Introduction

The structure of a text cannot be separated from the structure itself as a whole, which is then referred to as the whole message structure (Halliday and Hasan, 1992: 71-72). In this current study what is meant by the textual generic structure is the one used in justice. The textual structure is an implication of the generic structure of a genre. It is the unity of form and meaning

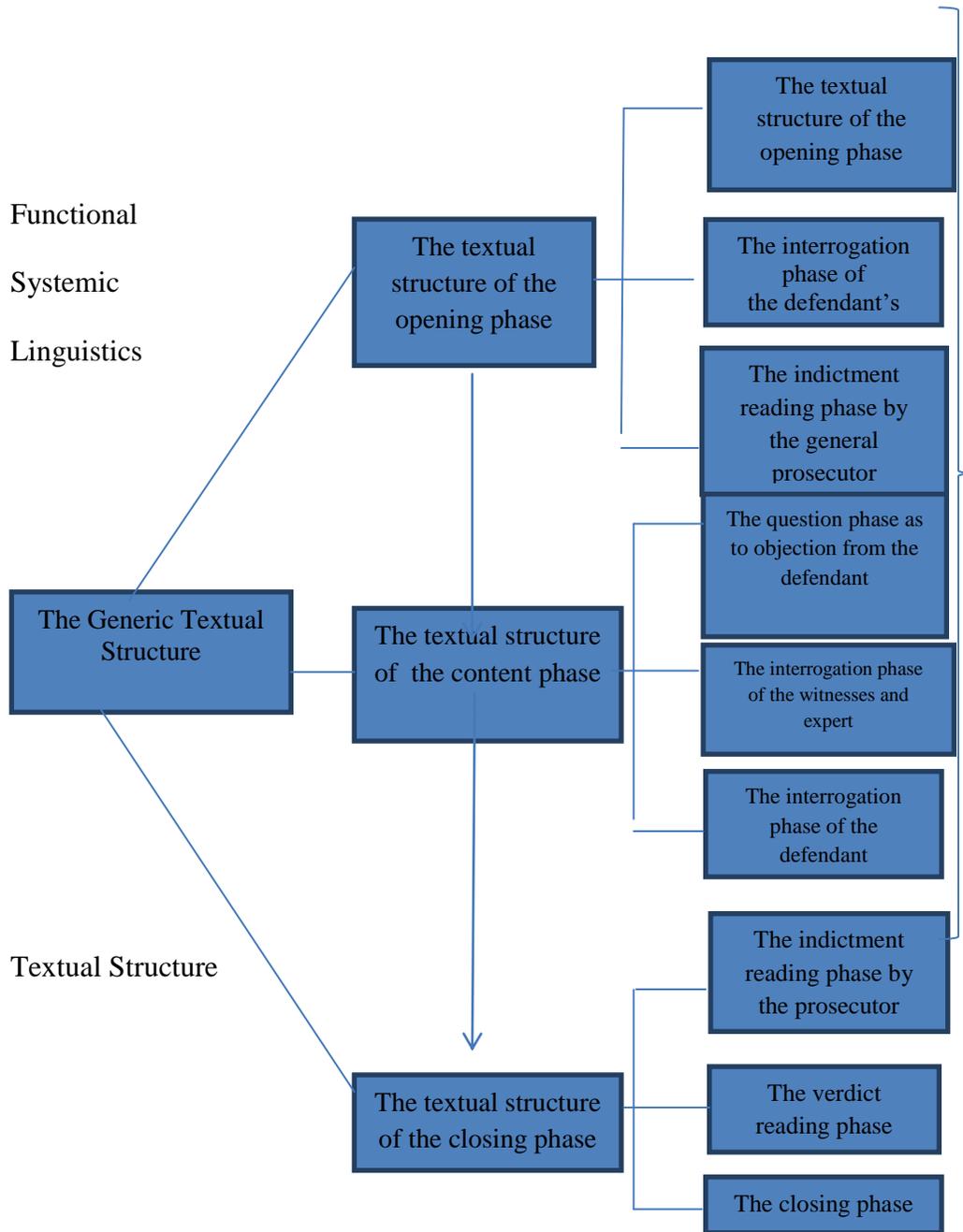
which shows that there is an organism within the judicial text. According to Sutama, in so far as the ritual text of the Balinese traditional ritual wedding is concerned, the structure of a text is different from its context. Based on the result of the study he conducted, there are four types of the textual structure; they are the cultural formal structure, the cultural general structure, the macro cultural structure, and the cassowary cultural structure (2010: 4). Dian (2019) developed translation procedures in the text of health. She also discussed the textual structure; however, the context of the text she analyzed is different. She developed translation procedures with detailed elaboration. From what was described, the current study adopts what was done by Sutama (2010) and Dian (2019). Their ideas were modified using the existing theory of textual structure proposed by Cotteril and Purnanto. Cotteril stated that there were three phases of the textual structure; however, Purnanti stated that there were nine phases of the textual structure. Based on what they did, in the current study their theories are modified and combined; in other words, the textual structure is mainly divided into three, each has its sub-phases, based on the fact found in the judicial text in which Jessica as the defendant and Mirna as the victim, as displayed in the following table.

Table 1.1  
The Textual Structure of the Court Trial Text

Cotterill (2003: 94)	Purnanto (2011: 69-77)
The textual structure of the closing	The opening of criminal proceedings
The textual structure of the content	The interrogation of the defendant's identity
The textual structure of the closing	The indictment reading by the general prosecutor
	The question as to objection from the defendant (exception)
	The interrogation of the witnesses: (a) their identities; (b) oath taking, and (c) testimony of the witnesses
	The testimony of the defendant
	The indictment reading by the general prosecutor
	The verdict reading
	The trial closing

Table 1.1 shows that, according to Coterril (2003), the textual structure is made up of three phases, and that, according to Purnanto (2011), the textual structure is made up of nine phases.

Purnanto explained in detail the sub-divisions of each phase as the textual procedure in the court hearing. Nobody has explained in detail the sub-divisions of each phase as the textual procedure. Therefore, in this current study the procedure of the textual structure proposed by Cotterill and Purnanto needs to be further explained. The study is intended to determine and define the textual structure based on the procedure of the structure of the judicial text in which Jessica was the defendant and Mirna was the victim. Based on what is needed in the study, the researcher adopts the textual structure proposed by Cotterill and Purnanto. In the text used in the study, the procedure is divided into three main phases, and each has its own sub-phases. (1) The structure of the opening is made up of the textual structure of the opening of the criminal proceeding, the interrogation of the defendant's identity, the indictment reading by the general prosecutor; (2) the textual structure of the content is made up of the question phase as to objection from the defendant (exception), the interrogation phase of the witnesses and expert with its sub-phases as follows: (a) their identities, (b) the oath taking, and (c) the information they gave, and the interrogation of the defendant; (3) the textual structure of the closing is made up of the indictment reading phase by the prosecutor, the verdict reading phase, and the trial closing phase. The following chart illustrates the model textual structure adopted from Cotteril (2003) and Purnanto (2011).



## Judicial Process-based Meaning

Source: Cotteril, 2003 and Purnanto, 2011; modified by the researcher

### 2. Research Method

This current study is a qualitative one in which the textual structural procedure was used. According to Cotteril ((2003) and Purnanto (2011), the textual structural procedure consists of several phases and sub-phases. The study was intended to investigate the three main phases of the judicial text; they are the textual structure of the opening, the textual structure of the content, and the textual structure of the closing. The data were collected by observing 17 audio-visual conversational dialogues of the court hearing in which Jessica was the defendant and Mirna was the victim, which were downloaded from YouTube and transcribed into Indonesian language orthographically. The dialogues in each session, which could be identified as the textual structure, were extracted using the note taking technique.

### 3. Results and Discussion

#### 3.1 The Realization of the Textual Structure of the Opening Phase

The opening phase is made up of several sub-phases; they are the opening phase of the criminal trial, the interrogation phase of the defendant's identity, the indictment reading phase by the general prosecutor; each sub-phase is explained as follows.

##### 3.1.1 The Opening Phase of the Trial of the Criminal Court Case

Data 1

“Sidang perkara pidana atas nama Jessica Kumala alias Jessica Kumala Wongso Alias Jess No. 777/PITB/2016/PN Jakarta Pusat dibuka dan dinyatakan terbuka untuk umum”  
[The criminal court hearing for Jessica Kumala, who is otherwise called Jessica Kumala Wongso or Jess No. 777/PTIB/2016/Central Jakarta District Court, is opened and declared to be opened to the public”]

Based on data 1 above, it can be seen that the panel of judges opened the court case in which Jessica was the defendant at the district court of Central Jakarta. The court case was opened and declared to be opened to the public by the panel of judges. In other words, the court case could be witnessed not only by those who were present at the trial, namely the panel of judges, the general prosecutor, the defendant, the legal advisor, those who visited the trial, but also by the Indonesian society who witnessed it.



### **3.1.2 The Interrogation Phase of the defendant's identity**

In this sub-phase, the panel of judges asked and confirmed the defendant's full name, nationality, place and date of birth, and occupation before the trial started. The defendant had to pay attention to everything she heard and saw in the judicial process. The interrogation of the defendant's identity by the judge as explained above was intended to make sure that the judge would not wrongly indict someone.

### **3.1.3 The indictment reading phase by the general prosecutor**

In this phase, the indictment letter addressed to the defendant by the panel of judges contained (1) the type of indictment, (2) the time when and the place where the defendant carried out the criminal act, (3) the way in which the defendant carried out the criminal act, and (4) the article based on which the indictment was made.

## **3.2 The Realization Phase of the Textual Structure of the Content**

The textual structure of the content is made up of several sub-phases containing question as to objection from the defendant (exception) and the interrogation phase of the witnesses and expert, covering: (a) their identities, (b) the oath taking, and (c) the information given by the witnesses and expert, and the interrogation phase of the defendant, as explained as follows.

### **3.2.1 The question as to objection from the defendant (exception)**

In this sub-phase the question as to objection from the defendant was asked by the legal advisor accompanying the defendant, and was addressed to the general prosecutor during the judicial process. Such a question constituted a legal attempt made by the legal advisor for the defendant and was intended to alleviate the judicial decision later. The following example illustrates the question as to objection from the expert invited by the general prosecutor to be present at the trial.

Data 2

...//Yang mulia karena yang bersangkutan telah bertindak sebagai penyidik atau paling tidak membantu penyidik terhadap terdakwa ini, maka tentunya dia tidak bisa lagi menjadi ahli tentunya tidak independen lagi. Dia memeriksa terdakwa ini berjam-jam sedangkan seorang ahli haruslah independen. Jadi, dia berada dalam posisi penyidik



karena dia membantu penyidik memeriksa tersangka dan kami belum menemukan berita acaranya pemeriksaannya itu di sini ...//

[...//Your Excellency, as the man concerned has acted as the investigator or at least as the assistant to the investigator of the defendant, he may not be appointed the expert any longer; the reason is that he is not independent any longer. He has investigated the defendant for hours; as an expert he should be independent. Thus, he has functioned as an investigator as he has helped the investigator interrogate the defendant, and the report on it has not been found yet ...//]

Based on data 2 above, the legal advisor showed his objection to the presence of the expert invited by the general prosecutor at the trial. He was a clinical psychologist from Indonesia University and her name was Drs. Antonia Ratih, M.M.

**3.2.2 The interrogation phase of the witnesses and expert:** (a) their identities, (b) the oath taking for them, and (c) the information from the witnesses and expert

In this phase, the witnesses and expert, based on the Criminal Law, were legal instruments. Therefore, before they were interrogated, they should explain their identities, take oath and give the information needed to complete the evidence. The information given by one of the witnesses and experts who were made to be present at the trial is illustrated as follows.

The information given by the witness

Dr. Primayuda : Jessica ngaku sesak. Waktu datang saya tanya ngaku punya riwayat apa. Jessica mengaku punya sakit asma riwayat dari ibunya saya suruh baring saya kasih oksigen saya periksa kalau tanda-tanda asma kan jelas ada mengi [Jessica says that she can hardly breathe. When I come I ask her to explain what disease she has been suffering from. She tells that she has been suffering from asthma, a disease transmitted from her mother; I ask her to lie down and give her oxygen; I examine her to see whether she wheezes or not].

The General Prosecutor: Seperti apa  
[What is it like?]

Dr. Primayuda : Mengi seperti apa ya ngit-ngit  
[How she wheezes and easily gets cranky]

The General Prosecutor : Asma seperti itu

- [Is the asthma she is suffering from like that]
- Dr. Primayuda : Asma khasnya seperti itu  
Specifically, asthma is like that
- The General Prosecutor : Saudara lakukan pengecekan terhadap terdakwa  
[You have examined the defendant]
- Dr. Primayuda : Akhirnya saya suruh Jessica baring saja. Saya berpikir karena kawannya meninggal ada faktor psikologis shock jadinya biar tenang dulu itu saja  
[Finally, I ask Jessica to lie down. I think that a psychological factor caused her friend to become shocked and die; I want her to be quiet; that's all what should be firstly done]
- The General Prosecutor : Akhirnya ada tanda-tanda mengi itu  
[Finally, the indicators indicating that she wheezes can be identified]
- Dr. Primayuda : Tidak ada lagi  
[Nothing else]

Data 3 above shows the information given by dr. Primayuda as the witness. He was one of the medical doctors from Abdi Waluyo Hospital who gave the first aid to Mirna, the victim, after drinking the cold Vietnamese coffee at Olivier Café.

#### Datum 4

- The Judge : Ini menarik ya. Jadi saudara kalau begitu berseberangan pendapat dengan ahli-ahli toksikologi forensic sebelumnya dengan jawaban saudara tadi yang ditanyakan oleh penasehat hukum  
[That's interesting, isn't it? Your answer to the question asked by the legal advisor is different from that of the forensic toxicologist]
- dr. Budisampurna : Tidak berseberangan pak. Sejalan sebetulnya. Hanya yang satu lebih pasti. Mereka lebih mengatakan pasti kearah situ saya mengatakan searah pak dari rangkaian-rangkaian dari awal sampai akhir.  
[Actually, the answer I gave to the question asked by the legal advisor is similar to that of the forensic



toxicologist; they are not different. However, one is more accurate than the other. The forensic toxicologist's answer certainly goes to that direction and mine does too from the beginning to the end.

The General Prosecutor

: Satu lagi terminologi atau kalimat yang ahli sampaikan sesuai dengan gejala sianida. Keracunan sianida apakah dengan kalimat tersebut ahli bisa menyimpulkan tidak ada lagi suatu gejala lain atau suatu dugaan penyebab lain selain yang sesuai oleh gejala sianida

[One more term or sentence uttered by the expert related to the cyanide phenomenon. Can a conclusion be drawn from the utterance uttered by the expert that there is no other phenomenon or there is another thing suspected of being responsible for the cyanide poisoning which can also be claimed to be cyanide phenomenon.

dr. Budisampurna

: Penyebab lain itu mungkin ada tetapi sangat jauh dalam hukum.

[Another thing leading to such a poisoning is possible but it seems irrelevant from the legal domain point of view].

The General Prosecutor

: Artinya yang paling memungkinkan tersingkirkan.

[What is meant is that what is most possible becomes overshadowed]

Dr. Budisampurna

: Kausa yang dekat itulah kita cari bukan kausa yang jauh. Mungkin ngga orang itu mati karena ca otak mungkin 0.0 sekian persen kenapa kita pikirkan gitu lho kita-kira dalam kasus ini apa saja yang ada penyakit dalam kepada orang tadi mungkin ngga atau diparu-paru mungkin ngga semua bisa bertanya itu tetapi itu tidak akan tentukan apa-apa karena itu jauh sekali kemungkinannya yang adalah gejala itu menunjukkan itu racun sn. Selesai

[What we are looking for is the most possible cause instead of the less possible one. It was impossible that

the ca in the brain could cause the victim to die; therefore, it is useless to think about it. Everybody may ask whether the disease in her head or lung was possibly responsible for her death. However, it was inaccurate. What is important is that the phenomenon shows the sn. poisoning. Full stop].

The General Persecutor : That's enough.

As illustrated in data 5 above that the expert was one of the experts from the forensic medical department of Indonesia University who was also experienced in handling the death of Munir of the arsenic poison.

### 3.2.3 The Interrogation of the Defendant

After all the witnesses gave information, the defendant was interrogated using question and answer strategy. What was done by the panel of judges to make the defendant answer every question raised by the general prosecutor and legal advisor was as follows.

...//”Jika terdakwa tidak mau menjawab atau menolak untuk menjawab, pertanyaan yang diajukan kepadanya, hakim ketua sidang menganjurkan untuk menjawab dan setelah itu pemeriksaan dilanjutkan”...//

[...//” if the defendant does not want to answer any question addressed to her, the presiding judge suggests that she should answer the question before the interrogation is continued”...//]

The statement above was the one addressed to the defendant to make the judicial process go smoothly.

### 3.3 The Realization of the Textual Structure of the Closing Phase

The textual structure of the closing phase is made up of the indictment reading by the prosecutor, the verdict reading, the closing of the trial, and their elaboration as follows.

#### 3.3.1 The indictment reading phase by the prosecutor

Based on the information given by the witnesses and expert, Jessica was sentenced to twenty years in prison. This sentence was commuted from the indictment proposed and read by the general prosecutor. What is stated in article 340 of the Criminal Act concerning the premeditated murder, which was addressed to the defendant, is as follows.

...//”Barang siapa sengaja dan dengan rencana lebih dahulu merampas nyawa orang lain, diancam dengan pidana mati atau pidana penjara seumur hidup atau selama waktu tertentu paling lama 20 tahun’. Lebih lanjut pembunuhan berencana adalah kejahatan merampas nyawa manusia lain, yang membunuh, setelah dilakukan perencanaan mengenai suatu metode, dengan tujuan memastikan keberhasilan pembunuhan atau untuk penangkapan”...//

[...//”

Anyone who intentionally plans to kill another is threatened either a death sentence, a life sentence or to be sentenced to maximum 25 years in prison’. In addition, premeditated murder is the crime of taking another’s life, after the method of doing it is planned to make it successfully executed”...//]

What is stated in the article above shows that penalties are categorized based on the extent to which a crime is done.

### **3.3.2 The verdict reading phase**

In this phase, the panel of judges read the verdict based on the information given by the witnesses and expert, including the general persecutor and the defendant’s legal advisor, who were invited to be present at the trial, which was then followed by the verdict made by the panel of judges addressed to the defendant.

The name, sex and address of the defendant, the nine extensions of the trial in which 14 legal advisors chaired by Otto Hasibuan appointed by the panel of judges were present, and the verdict was read on 8 June 2016. The verdict was that Jessica, based on the statement made by the expert of offence aforementioned, proved to plan the murder. Based on article 340 of the Criminal Procedural Law, she was legally proved to plan to commit the murder. As she was guilty and was made into a criminal case, and, based on article 244, the length of time of detention was subtracted by the length of time of punishment, and based on article 22 (1), the case fee was charged to the defendant. The things that implicated the defendant were as follows.

1. Wayan Mirna Salihin, the victim, was dead.
2. What was done by the defendant was contemptible and sadistic.
3. The defendant never felt guilty and did not acknowledge what she had done

The thing that commutated the sentence was that the defendant was young enough to improve herself. The verdict, which was made based on what is stated in article 340 of the Criminal Procedural Law, was as follows.

1. Jessica Kumala alias Jessica Kumala Wongso alias Jess was proven legally committing a crime with premeditated murder.
2. With a 20-year imprisonment.
3. Subtracted by all penalties imposed upon
4. Remaining detained
5. The evidences were confiscated to be destroyed and attached to the case file before they were returned to the witness, Arif Sumarko, the victim's husband, and the witness sent by the Olivier restaurant.
6. Being supposed to pay for the court fee on Monday, 24<sup>th</sup> Oktober 2016 by the presiding judge, Kisworo. Partahi Tulus Hutapea and Binsar Gultom were the member judges. The trial was held on 27 October 2016 and was open to the public. They were accompanied by the judges Subardi and Mufid Talib, clerk of the Central Jakarta court, and were assisted by Ardito and friends, the defendant accompanied by her legal advisors.

### **3.3.3 The Closing phase of the trial**

Based on the verdict made by the court, Jessica's legal advisor showed his objection and submitted an exception appeal to the Supreme Court as the panel of judges did not take evidence B4 into consideration, namely the atopic result of Mirna's physical organ.

## **4. Novelties**

The textual structure proposed by Cotterill is made up of three main phases; they are the textual structure of the opening, the textual structure of the content, and the textual structure of the closing. Purnanto divides the text into nine phases; they are:

1. The opening phase of the criminal trial forensically
2. The interrogation phase of the defendant's identity
3. The accusation reading phase by the general prosecutor
4. The question phase as to objection from the defendant (exception)



5. The interrogation phase of the witnesses for (a) their identities, (b) oath taking, and (c) information
6. The interrogation phase of the defendant
7. The indictment reading phase by the prosecutor
8. The reading phase of the verdict, and
9. The trial closing phase

Out of the nine phases proposed by Purnanto, the researcher developed the theory by adopting what was proposed by Cotterill and Purnanto based on the linguistic facts which the trial text contained in which Jessica was the defendant and Mirna was the victim. The information given the expert was added as the fifth phase containing the interrogation of the witnesses. In this phase, not only the witnesses that were interrogated but also the expert as the information given by the expert also strengthened the legal evidences as regulated in the Criminal Procedural Law. The generic structure proposed by Cotterill and Purnanto is developed as follows.

1. The Textual Structure of the Opening. It is made up of three phases as follows:
  - a. The opening phase of the trial
  - b. The interrogation phase of the defendant's identity
  - c. The opening phase of the indictment made by the general prosecutor
2. The Textual Structure of the Content, which is made up of several sub-phases, is as follows:
  - a. The question phase as to objection from the defendant (exception)
  - b. The interrogation phase of the witnesses and expert: (a) their identities, (b) their oath taking, and (c) the information given by the witnesses and expert
  - c. The interrogation phase of the defendant
3. The Textual Structure of the Closing
  - a. The indictment reading phase by the general prosecutor
  - b. The reading phase of the verdict
  - c. The closing phase of the trial

## 5. Conclusion

The realization of the textual structure as the textual procedure, as far as the judicial text in which Jessica was the defendant and Mirna was the victim is concerned, was adopted from a formal situation. All the witnesses and expert invited by the general prosecutor and legal advisor to be present at the trial had already been evaluated and considered by the panel of judges. They



had all declared under oath that the information given would be truthful and justified. All the processes had been undergone; therefore, the defendant should accept the verdict made by the panel of judges.

## 6. Acknowledgements

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## References:

- Cotteril, Janet. 2003. *Language and Power in Court: A Linguistic Analysis of The O.J. Simpson Trial*. New York: Palgrave Macmillan.
- Dian Susanti, et al. 2019. The Procedures of Translating Abbreviations in English Medical Text into Indonesian. *E-Journal of Linguistics*. Vol. 13, No.1. Denpasar: Udayana University. Hal: 1-12.
- Halliday, M.A.K. & Hasan, R. 1992. *Bahasa, Konteks, dan Teks: Aspek-Aspek Bahasa dalam Pandangan Semiotik Sosial*. Terjemahan oleh Barori Tou. Yogyakarta: Gajah Mada University Press.
- Purnanto, Dwi. 2011. Struktur Wacana Persidangan Pidana. *Jurnal Kajian Linguistik dan Sastra*. Vol.23. No. 1. Surakarta: Universitas Sebelas Maret. Hal: 66-78.
- Sutama, Putu, et al. 2010. Marriage Ritual Text of Balinese Traditional Community: An Analysis of Functional Systemic Linguistics. *E-Journal of Linguistics*. Vol.4 No.2. Denpasar: Udayana University. Hal: 1-12.
- Sudaryanto. 1993. *Metode dan Aneka Teknik Analisis Bahasa*. Jakarta: Duta Wacana University Press.
- Sudaryanto. 2015. *Metode dan Aneka Teknik Analisis Bahasa: Pengantar Penelitian Wahana Kebudayaan secara Linguistik*. Yogyakarta: Sanata Dharma University Press.
- [www.youtube.com](http://www.youtube.com)

### Biography of Author



Nidya Fitri is one of lecturer in Stitnu Sakinah Dharmasraya, Padang - West Sumatera. In Stitnu Sakinah, she teaches English for General. The subjects have also been her interest in conducting research. Her researches have been published in several reputable International journals as well as presented International conferences. Currently, she is studying at Doctoral program of Linguistics at Universitas Udayana, Denpasar – Indonesia. Her dissertation that is being written entitled 'Jessica-Mirna Judicial Text: Forensic Linguistics Perspective'.